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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/041,829	01/07/2002	Sadahiro Nakanishi	UNIU48.001AUS	4554

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EXAMINER


CHUNG, DAVID Y

ART UNIT	PAPER NUMBER
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2871

DATE MAILED: 05/27/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/041,829	Applicant(s) NAKANISHI ET AL. 	
	Examiner David Y. Chung	Art Unit 2871	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) 2 and 7-9 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-6 and 10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                             | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). ____.  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                    | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____. | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Election/Restrictions*

1. Applicant's election without traverse of Group I in Paper No. 8 is acknowledged.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1 and 4 rejected under 35 U.S.C. 102(b) as being anticipated by Ouderkirk et al. (U.S. 5,825,543).

As to claim 1, Ouderkirk et al. discloses an optical film with a disperse phase of polymeric particles disposed within a continuous birefringent matrix. Note the continuous phase 12 and disperse phase 14 in figure 1. The film is oriented, typically by stretching, in one or more directions. A substantially rod-like disperse phase can be produced by stretching a film with spherical disperse phase particles along a single axis. The rod-like structures can be given an elliptical cross-section by stretching the film in a second direction perpendicular to the first. See column 11, lines 1-10. Many different materials can be used as the continuous or disperse phases. Such materials include

inorganic materials such as silica-based polymers, organic materials such as liquid crystals, and polymeric materials, including monomers and copolymers. Suitable polymeric materials for use as the continuous or disperse phase may be amorphous, semi-crystalline, or crystalline polymeric materials, including materials made from monomers based on carboxylic acids. See column 12, line 50 – column 13, line 15.

As to claim 4, figure 5 of Ouderkirk et al. shows a multi-layer film comprising several sheets of a continuous/disperse phase film made in accordance with the disclosed invention.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 3,5,6 and 10 rejected under 35 U.S.C. 103(a) as being unpatentable over Ouderkirk et al. (U.S. 5,825,543).

As to claim 5, it was well known and obvious to combine a retardation plate or polarizing plate to the diffusing plate of claim 1 in order to provide polarized light to a liquid crystal display or improve the display's viewing angle.

As to claim 6, it was well known and obvious to provide the diffusing plate of claim 1 to one or both sides of a liquid crystal display in order to improve the brightness.

As to claims 3 and 10, Ouderkirk et al. teaches that the length of the disperse phase particles was a result effective variable. If the particles are too small, too little light is scattered. If the particles are too large, the undesirable optical effects can occur. See column 9, lines 30-40. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to set an appropriate length for the disperse phase particles since it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art.

### ***Conclusion***

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Chung whose telephone number is (703) 306-0155. The examiner can normally be reached on Monday-Friday from 8:30 am to 5:00 pm.



David Chung  
GAU 2871  
05/19/03

**KENNETH PARKER  
PRIMARY EXAMINER**